

MINUTES OF COUNCIL REGULAR MEETING – AUGUST 21, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 21, 2007, AT 4:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Margaret K. Peterson
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Steve Vincent

STAFF PRESENT:

Joseph Moore, CED Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Chief of Police
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nicole Cottle, Acting City Attorney
Marie Guarascio, Acting Finance Director
Owen Jackson, Administration
Jake Arslanian, Public Works Department

13378 **OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt who read a quote from Socrates.

13379 **SCOUTS**

Mayor Nordfelt welcomed Scout Pack 566 in attendance to complete requirements for the Communications merit badge.

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CLEAN AND BEAUTIFUL COMMITTEE, “LOOKIN’ GOOD” AWARDS

City Manager, Wayne Pyle, introduced Newell Anderson of the City’s Clean & Beautiful Committee. Mr. Anderson discussed efforts of the Committee and their projects regarding distributing daylilies, the City flower, to residents during WestFest; displaying seasonal banners on Constitution Boulevard; decorating the Christmas tree on the grounds of City Hall; and the beautification program. He requested ideas from the City Council for additional projects and also expressed appreciation for funding from the City. Mr. Anderson stated the Committee wanted to make a difference in improving the appearance of the City.

Mayor Nordfelt recognized the judges who had served on the committee for this program and also expressed appreciation to the recipients of the awards.

Newell Anderson stated “Lookin’ Good” signs had been given to residents and businesses of West Valley City for display on their properties. The following recipients were recognized and congratulated by the City Council for their tremendous efforts in making their neighborhoods beautiful:

Chad and Stephanie Meier
Carlos and Esperanza Guevara
Wayne and Shirlene Brace
Jane Sterling
Mike and Anita Morrison
Rory and Pam Christensen
Mike and Sue Chase
Marlene Donais
Brent Feddersen
Melvin and Rolene Morris
Frank and Trudy Negeli
Tyler and Kathy Conley
John and DyAnne McKellar
Scott and Deborah Bailey
Mark E. Hatch
Paul and Delores Lewis
Lena Howe
Bill and Marcia Cannon
Stacie and Jackie Gayler
Tuy Nguyen
GT Sales
Cornelias Visser

Karin and James Alexander
Lex and Cindy Brady
Cam Dang
Sue Lyma
Mark and Lori Austin
Dave and Crystal Roberts
Manuel and Jennie Pino
Richard and Rose Summers
Curtis and Cynthia Condie
Village Green
LDS Church
Jeff and Poat Deelstra
Burt and Virginia Cardall
Dale and Nita Eldredge
Verlan and Daela Morrill
Mark Hurst
Stephen Le Cheminant
Sione and Eveline Pikula
Ron and Sookie Maloney
Dean and Sandra Holdaway
Ida Gomez
Braden Brook

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Scottsdale Apartments
Tammy Wilson
Kenneth and Luana Thorup
Art and Lynda Magill
Darlene Fenton
Rhonda Warnick
Terry and Teresa Sharp
Sean and Sarah Lingwall
Brad Ingersoll
Matt and Johanna Beatty
Kevin Hardy
Camille Jensen
Norman and Linda Thomas

Sandra Brown
Miriam Galvan-Gonzalez
Evadean Robinson
Don and Kristeen Croall
Brandon and Connie Barney
Bob and Jenna Barker
Greg and Dana Martin
Christian and Tiffanie Franz
Craig and Sharon Daniels
Rick and Arlene Duncan
Gwenyth Schoerrer
Dorrel and Mary Decker

13381 EMPLOYEE OF THE MONTH – AUGUST 2007, BRENTON GALLAGHER, PARKS AND RECREATION DEPARTMENT

Councilmember Coleman read a nomination of Brenton Gallagher to be recognized as the Employee of the Month for August, 2007. Mr. Gallagher had been nominated for his successful rescue of a small child from a leisure pool to be resuscitated by lifeguards and paramedics. His quick action and leadership in responding to this emergency had made a crucial difference for the recovery of the little girl. Mr. Gallagher was presented with the award and accepted congratulations and comments of appreciation from members of the City Council.

13382 DRUG ENFORCEMENT ADMINISTRATION/METRO NARCOTICS TASK FORCE, PRESENTATION TO WEST VALLEY CITY POLICE DEPARTMENT NARCOTICS DIVISION

City Manager, Wayne Pyle, stated a representative of DEA/Metro Narcotics Task Force had been scheduled to make a presentation to the West Valley City Police Department Narcotics Division; however, upon their request, this item had been rescheduled.

13383 COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, there was no one in attendance desiring to address the City Council during the Comment Period.

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PUBLIC HEARING, APPLICATION NO. GPZ-2-2007, FILED BY RUNDASSA ESHETE, CHRIS HEROD AND SHUKRI BESSISO, REQUESTING TO AMEND THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL AND LARGE LOT RESIDENTIAL LAND USES TO MEDIUM DENSITY RESIDENTIAL LAND USES; AND TO AMEND THE ZONING MAP FROM ZONE ‘R-1-10’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 10,000 SQ. FT. LOT SIZE) AND ‘A’ (AGRICULTURE) TO ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 3155 SOUTH 7200 WEST

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 21, 2007, at 6:30 P.M. for the City Council to hear and consider public comments regarding Application No. GPZ-2-2007, filed by Rundassa Eshete, Chris Herod and Shukri Bessiso, requesting to amend the General Plan from Low Density Residential and Large Lot Residential land uses to Medium Density Residential land uses; and to amend the Zoning Map from zone ‘R-1-10’ (Residential, Single-Family, Minimum 10,000 sq. ft. lot size) and ‘A’ (Agriculture) to ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) zone for property located at approximately 3155 South 7200 West. Mr. Pyle discussed proposed Ordinance Nos. 07-46 and 07-47, and proposed Resolution No. 07-178 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-46 which would amend the General Plan to show change of land uses from Low Density and Large Lot Residential land uses to Medium Density Residential land uses for property located at approximately 3155 South 7200 West.

The City Manager reported the applicants had submitted a concept plan for the subject property indicating a total of 81 senior condominiums similar to those at Valley Vu Villas and Hunter Villas. He stated the resulting density would be 6.3 units per acre. He indicated units would be between 1,500 to 2,000 square feet. Basements would be possible on the site and the applicants planned to offer basements as an option. He further stated that for comparison, Valley Vu Villas included 80 units on 11.8 acres (6.8 units per acre) and Hunter Villas included 96 units on 16.4 acres (5.9 units per acre). Mr. Pyle reported most of the buildings included four units per building; however, a few of the buildings had less than four units. He indicated the south parcel of the two subject properties had received final approval for a 22 lot single-family subdivision called Majestic

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Landing. He further stated, however, the owners had decided to hold off on recording the subdivision to pursue the senior condominium proposal.

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-47 which would amend the Zoning Map to show a change of zone for property located at approximately 3155 South 7200 West from zone 'R-1-10' (Residential, Single-Family, Minimum 10,000 sq. ft. lot size) and 'A' (Agriculture) to 'R-1-8' (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) zone.

Mr. Pyle stated surrounding zones included 'A' to the north, 'R-1-10' to the east and south, and 'R-1-6' to the west in Magna. He further stated surrounding land uses included single-family homes to the north, east and south, and a church to the west in Magna.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-178 which would authorize the City to enter into a Development Agreement with Majestic Villas, LLC, for approximately 12.8 acres of real property being developed in the vicinity of 3155 South 7200 West.

Mr. Pyle stated the Planning Commission had recommended a development agreement be utilized in conjunction with the re-zone to ensure the applicants' commitments would be met.

The City Manager reported the proposed agreement contained 16 standards including requirements for amenities, exterior building materials, the minimum condominium size, the maximum number of units, two-car garages, on-site improvements, maintenance responsibility, an age restriction, a reversionary clause, architecture, owner occupied units, lighting, and transfer of development rights (TDR).

Mayor Nordfelt opened the public hearing.

Chris Herod, applicant, addressed the City Council. Mr. Herod stated the proposal would be a "great" project and he requested approval of the application.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

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ACTION: ORDINANCE NO. 07-46, AMENDING THE GENERAL PLAN TO SHOW CHANGE OF LAND USES FROM LOW DENSITY AND LARGE LOT RESIDENTIAL LAND USES TO MEDIUM DENSITY RESIDENTIAL LAND USES FOR PROPERTY LOCATED AT APPROXIMATELY 3155 SOUTH 7200 WEST

The City Council previously held a public hearing regarding Application No. GPZ-2-2007, filed by Rundassa Eshete, Chris Herod and Shukri Besisso, and proposed Ordinance No. 07-46 which would amend the General Plan to show change of land uses from Low Density and Large Lot Residential land uses to Medium Density Residential land uses for property located at approximately 3155 South 7200 West.

After discussion, Councilmember Winder moved to approve Ordinance No. 07-46, An Ordinance Amending the General Plan to Show a Change of Land Use from Low Density and Large Lot Residential Land Uses to Medium Density Residential Land Uses for Property Located at Approximately 3155 South 7200 West. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

ACTION: ORDINANCE NO. 07-47, AMENDING THE ZONING MAP TO SHOW CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 3155 SOUTH 7200 WEST FROM ZONE ‘R-1-10’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 10,000 SQ. FT. LOT SIZE) AND ‘A’ (AGRICULTURE) TO ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) ZONE

The City Council previously held a public hearing regarding Application No. GPZ-2-2007, filed by Rundassa Eshete, Chris Herod and Shukri Besisso and proposed Ordinance No. 07-47 which would amend the Zoning Map to show change of zone for property located at approximately 3155 South 7200 West from zone ‘R-1-10’ (Residential, Single-Family, Minimum 10,000 sq. ft. lot size) and

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‘A’ (Agriculture) to ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) zone.

After discussion, Councilmember Coleman moved to approve Ordinance No. 07-47, An Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 3155 South 7200 West from Zone ‘R-1-10’ (Residential, Single-Family, Minimum 10,000 sq. ft. lot size) and ‘A’ (Agriculture) to an ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) Zone. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

ACTION: RESOLUTION NO. 07-178, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MAJESTIC VILLAS, LLC FOR APPROXIMATELY 12.8 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 3155 SOUTH 7200 WEST

After discussion, Councilmember Peterson moved to approve Resolution No. 07-178, A Resolution Authorizing the City to enter into a Development Agreement with Majestic Villas, LLC for Approximately 12.8 Acres of Real Property Being Developed in the Vicinity of 3155 South 7200 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

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Unanimous.

13385

PUBLIC HEARING, APPLICATION NO. ZT-4-2007, FILED BY THE FAMILY SUPPORT CENTER, REQUESTING TO AMEND SECTION 7-1-103 AND 7-6-304 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO ADD A DEFINITION FOR CRISIS NURSERY AND COUNSELING CENTER AND ADD CRISIS NURSERY AND COUNSELING CENTER TO THE LIST OF CONDITIONAL USES

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 21, 2007, at 6:30 P.M., for the City Council to hear and consider public comments regarding Application No. ZT-4-2007, filed by the Family Support Center, requesting to amend Section 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code in order to add a definition to crisis nursery and counseling center and add crisis nursery and counseling center to the list of conditional uses. Mr. Pyle discussed the Application and proposed Ordinance related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-48 which would amend Section 7-1-103 and 7-6-304 of the West Valley City Municipal Code by adding a definition for crisis nursery and counseling center to the list of conditional uses.

Mr. Pyle stated the Council had been provided with a letter from Bonnie Peters dated May 18, 2007, describing how a crisis nursery and counseling center operated and why it was needed in West Valley City. Included in that documentation was a letter of support from Mayor Seghini, Midvale City.

The City Manager reported staff had initially recommended the property be considered for 'RB' (Residential Business) zoning, which would allow day cares as a conditional use. He stated during the Planning Commission public hearing several persons expressed the following issues:

- 'RB' zoned property was either not available or not well suited for this particular use;
- This use is different than a day care and needs to be within a neighborhood; and
- The use will not be a negative impact on the neighborhood.

City Manager, Wayne Pyle, further reported the Planning Commission recommended approval of the ordinance change with some amendments

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suggested by City staff. He stated the definition approved by the Planning Commission was as follows:

“A crisis nursery and counseling center means a home on at least ½ acre of property licensed by the State as a residential support program to provide temporary, short-term care up to 72 hours for the primary purpose of child abuse prevention including counseling as an accessory use.”

Mayor Nordfelt opened the public hearing.

Ms. Bonnie Lee Peters, representing the Family Support Center, addressed the City Council. Ms. Peters distributed a packet of information to the Mayor and each Councilmember. She expressed appreciation for the opportunity to address the City Council and discussed photographs in the packet of their current facilities located in Midvale and Salt Lake City. She stated they were homes and that was the environment they would like to provide for the children they served. She also referred to an executive summary and read some of it aloud. She indicated the Center did not negatively impact the neighborhood. She indicated the nurseries were quiet, well run, and they helped parents with classes. Ms. Peters requested approval of the application and proposed ordinance so they could move forward with a facility in West Valley City. She indicated they desired to be good neighbors and provide a peaceful, pleasant place for children and staff. Ms. Peters answered questions from members of the Council regarding operations of their current facilities. She discussed statistics regarding the need for this type of facility in the West Valley City area to provide services to victims of child abuse.

Ms. Colleen Hatfield, 1296 West Morning Vista Drive, addressed the City Council. Ms. Hatfield stated she had been assisting the Family Support Center to find a home in West Valley City. She indicated she had been impressed with the staff and services they provided in a safe and peaceful environment. She indicated they did not have a daycare-type facility, but rather a “grandma’s house” that was homey and warm. Ms. Hatfield stated she had grown up in a dysfunctional family and she and her siblings would have loved to have a safe place such as this one. She related a story of someone who had used services at the Center and the need for such a facility in West Valley City. Ms. Hatfield requested approval of the proposal.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

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ACTION: ORDINANCE NO. 07-48, AMENDING SECTION 7-1-103 AND 7-6-304 OF THE WEST VALLEY CITY MUNICIPAL CODE BY ADDING A DEFINITION FOR CRISIS NURSERY AND COUNSELING CENTER TO THE LIST OF CONDITIONAL USES

The City Council previously held a public hearing regarding Application No. ZT-4-2007, filed by the Family Support Center, and proposed Ordinance No. 07-48 which would amend Section 7-1-103 and 7-6-304 of the West Valley City Municipal Code by adding a definition for crisis nursery and counseling center to the list of conditional uses.

After discussion, Councilmember Peterson moved to approve Ordinance No. 07-48, An Ordinance Amending Section 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code by Adding a Definition for Crisis Nursery and Counseling Center to the List of Conditional Uses. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13386

ORDINANCE NO. 07-49, AMEND SECTION 1-2-103 OF TITLE 1 AND SECTION 7-31-104 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING PENALTIES AND FINE STRUCTURE FOR LANDLORDS

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-49 which would amend Section 1-2-103 of Title 1 and Section 7-31-104 of Title 17 of the West Valley City Municipal Code regarding penalties and fine structure for landlords.

Mr. Pyle stated the proposed ordinance would clarify that penalties for landlords could include Class B misdemeanor or fines for an administrative citation or fines for notices of violation. The proposal would amend Section 1-2-103 to reflect that fines for landlords would be found in Section 17-31-104.

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The City Manager reported the small amendments resulted from some confusion surrounding the new Good Landlord Program. He indicated the amendments would clarify any confusion regarding penalties for landlords and the proper fine amounts for each penalty.

After discussion, Councilmember Coleman moved to approve Ordinance No. 07-49, An Ordinance Amending Section 1-2-103 of Title 1 and Section 17-31-104 of Title 17 of the West Valley City Municipal Code Regarding Penalties and Fine Structure for Landlords. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13387

RESOLUTION NO. 07-179, APPROVE AGREEMENT WITH PILAR POBIL SMITH FOR DISPLAY OF ARTWORK AT THE UTAH CULTURAL CELEBRATION CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 07-179 which would approve an Agreement with Pilar Pobil Smith for display of art work at the Utah Cultural Celebration Center (UCCC).

Mr. Pyle stated the UCCC would host an exclusive gallery exhibit by local artist Pilar Pobil, entitled “My Burial Chamber: A Celebration of Life.” He further stated the exhibit would be held in conjunction with release of a new book of short stories from the artist’s life published by the University of Utah Press. He indicated the exhibit would run from August 10 through September 26, 2007. He stated the project intertwined fine art and literature in a community based cross cultural experience consistent with the mission of the UCCC.

The City Manager reported the exhibition would include up to 80 works of art including paintings, sculptures, and multimedia works, and would include an installation of artifacts from the artist’s life. The total value of the exhibition was approximately \$250,000. A public reception and book signing would be held on August 9, 2007, from 6:00 – 9:00 P.M. Ms. Pobil would present excerpted

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readings from her book. Classical Spanish guitar music would be played in the background. Ms. Pobil would also be involved in the September ARTrageous Tuesday education program where she would lead student groups through a guided tour of the exhibit and talk about her work. Students would also be invited to participate in a hands-on painting activity as part of the experience.

Mr. Pyle stated Ms. Pobil first approached the UCCC regarding hosting her exhibit because she felt it would be the perfect public venue to showcase her work in conjunction with her book release. The City Manager indicated the exhibit was expected to draw new audiences into the Center from upper income, east side communities, and the University. He also indicated it was expected to draw a lot of media attention because of the intriguing title, “My Burial Chamber.”

After discussion, Councilmember Peterson moved to approve Resolution No. 07-179, A Resolution Authorizing the Execution of an Agreement between West Valley City and Pilar Pobil Smith for the Display of Artwork at the Utah Cultural Celebration Center (UCCC). Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13388

RESOLUTION NO. 07-180, APPROVE AGREEMENT WITH PINNACLE RISK MANAGEMENT SERVICES, INC. TO PROVIDE CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES FOR THE CITY’S WORKERS’ COMPENSATION PROGRAM

City Manager, Wayne Pyle, presented proposed Resolution No. 07-180 which would approve an Agreement with Pinnacle Risk Management Services, Inc. to provide claims adjusting and administrative services for the City’s Workers’ Compensation Program.

Mr. Pyle stated Pinnacle had provided workers’ compensation related services to the City for several years. He further stated those services included all claims adjusting and claim related administrative services. He indicated all City

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workers' compensation claims were made directly to Pinnacle, who then adjusted and tracked the claims, made required payments to employees and medical care providers, and then provided the City with various activity reports.

The City Manager reported because the City was self-insured for workers' compensation claims, all claims adjusting and administrative tracking of claims and payments must be done either "in house" or through a private contractor. The City had determined it would be more cost effective to hire a private third party administrator to provide those services. He reported Pinnacle had provided excellent service to the City for many years at a very competitive price.

After discussion, Councilmember Burt moved to approve Resolution No. 07-180, A Resolution Approving an Agreement with Pinnacle Risk Management Services, Inc. to Provide Claims Adjusting and Administrative Services for the City's Workers' Compensation Program. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13389

RESOLUTION NO. 07-181, AUTHORIZE CITY TO PURCHASE EXERCISE EQUIPMENT FROM VARIOUS QUALIFIED VENDORS FOR USE AT THE WEST VALLEY CITY FAMILY FITNESS CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 07-181 which would authorize the City to purchase exercise equipment from various qualified vendors in an amount not to exceed \$85,278.00 for use at the West Valley City Family Fitness Center.

Mr. Pyle stated bids had been solicited through a public bidding process and five bids received as follows:

1. Life Fitness – Foothill Fitness
Treadmill \$6,558
(different model) \$5,858

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Full Body Elliptical	\$4,279
(different model)	\$3,779
Elliptical	\$4,108
(different model)	\$4,108
Upright Bike	\$2,908
(different model)	\$2,508
Recumbent	\$2,908
(different model)	\$2,908
Warranty: 2-3 year parts + 1 year labor	
Service Training: None listed	

2. Precor – Fitco

Treadmill	\$2,758
Full Body Elliptical	\$3,654
Elliptical	\$3,975
Upright Bike	\$1,650
Recumbent	Does not meet specs
Warranty: 2 year parts + 1 year labor on some pieces	
Service Training: None listed	

3. TechnoGym

Treadmill	\$7,177
Full Body Elliptical	\$5,239
Elliptical	\$5,810
Upright Bike	\$3,310
Recumbent	Does not meet specs.
Warranty: 2 year parts + 1 year labor or 3 year parts + no labor	
Service Training: At delivery	

4. Star Trac

Treadmill	\$3,873
Full Body Elliptical	\$3,498
Elliptical	\$3,498
Upright Bike	\$2,008
Recumbent	\$2,208
Warranty: 3 year parts + 3 years labor	
Service Training: 3 day at factory/airfare and lodging included	

5. Nautilus

Treadmill	\$3,559
Full Body Elliptical	\$3,160

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Elliptical	\$3,160
Upright Bike	\$1,974
Recumbent	\$2,069
Warranty: 3 years parts (1 year on wearable parts)	
Service Training: 2 day on-site tech instruction	

City Manager, Wayne Pyle, reported the pieces recommended for purchase were as follows:

2 each Life Fitness Lower Body Elliptical trainers from Foothill Fitness for \$4,108 each, including trade =	\$8,216
2 each Precor Full Body Ellipticals from Fitco for \$3,654 each including trade =	\$7,308
5 each Star Trac Full Body Ellipticals from Star Trac Fitness for \$3,498 each including trade =	\$17,490
8 each Star Trac Treadmills from Star Trac Fitness for \$3,873 each including trade =	\$30,984
4 each Star Trac Upright bicycles from Star Trac Fitness for \$2,008 each including trade =	\$8,032
6 each Star Trac Recumbent Bicycles from Star Trac Fitness for \$2,208 each including trade =	<u>\$13,248</u>
Total:	\$85,278

Mr. Pyle also reported the exercise equipment at the Fitness Center was eight years old and had worn out. He stated the equipment had been heavily used and exceeded industry use standards four fold. He further stated monies from the building repair and replacement fund were available to perform some repairs to the building and replace some of the needed equipment.

The City Manager stated a budget had been put together to address the most critical items to help the facility remain viable and current. Mr. Pyle reported items being traded in included the following:

4 each Woodway MERC-S Treadmills

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- 4 each Life Fitness 9500 HR Treadmills
- 4 each Life Fitness Upright 9500 HR bicycles
- 6 each Life Fitness Recumbent 9500 HR Bicycles
- 5 each Life Fitness CT 9500, Rear Drive Cross Trainers
- 2 each Life Fitness CT 9500 Front Drive Cross Trainers
- 2 each Precor EFX S46 Elliptical machines

Mr. Pyle reported staff had evaluated the equipment and chose items based on utility, price, service, novelty, durability, warranty, and training. He also reported staff had chosen a variety of equipment with pricing, the local competition, and Center longevity in mind. He provided additional information on each recommendation, as follows:

2 each Life Fitness Lower Body Elliptical trainers from Foothill Fitness for \$4,108 each including trade. There were three other machines with a lower price. The Life Fitness was chosen to offer a new variety to the Center and because the step stride is constantly adjustable from short and medium to long.

2 each Precor Full Body Ellipticals from Fitco for \$3,654 each including trade. There were two other machines with a lower price. The Precor were chosen because they are replacing two of the same, older model machines and for the unique feature allowing the intensity level to adjust from flat to steep and in between/ It can be adjusted to feel like a flat road or a steep mountain.

5 each Star Trac Full Body Ellipticals from Star Trac Fitness for \$3,498 each including trade. There was only one other machine with a lower price. The star Trac were chosen because they had the best warranty, individual and adjustable cooling fans for the user, were new models this year, and had a feature to turn the upper body workout off and on.

8 each Star Trac Treadmills from Star Trac Fitness for \$3,873 each including trade. There were two other machines with a lower price. The Star Trac were chosen because they had the best warranty, individual and adjustable cooling fans for the user, were new models this year, and included extensive factory service training.

4 each Star Trac Upright bicycles from Star Trac Fitness for \$2,008 each including trade. There were two other machines with a lower price. The Star Trac had been chosen because they had the best warranty, individual

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and adjustable cooling fans for the user, were new models for this year, and included extensive factory service training.

6 each Star Trac Recumbent bicycles from Star Trac Fitness for \$2,208 each including trade. There was one other machine with a lower price. The Star Trac had been chosen because they had the best warranty, individual and adjustable cooling fans for the user, were new models for this year, and included extensive factory service training.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-181, A Resolution Authorizing the City to Purchase Exercise Equipment from Various Qualified Vendors for use at the West Valley City Family Fitness Center. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13390

RESOLUTION NO. 07-182, APPROVE SUBGRANT AGREEMENT FOR CONDUCT OF A HOME INVESTMENT PARTNERSHIP PROGRAM WITH THE WORK ACTIVITY CENTER, INC. FOR REHABILITATION OF WORK ACTIVITY CENTER RESIDENTIAL PROPERTIES

City Manager, Wayne Pyle, presented proposed Resolution No. 07-182 which would approve a Subgrant Agreement for conduct of a HOME Investment Partnership Program with the Work Activity Center, Inc. in the amount of \$28,000.00 for rehabilitation of Work Activity Center residential properties.

Mr. Pyle stated the Work Activity Center had two four-plexes in West Valley City in need of extensive renovation. He advised the properties were located at 2807 West 3835 South and 3835 South 2754 West. He reported the project would include roof work and handicapped accessibility improvements.

The City Manager indicated the Work Activity Center was a private non-profit organization providing needed care and opportunity for approximately 250

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individuals with developmental disabilities. He stated that in 1988, the City provided CDBG funding to build the Work Activity Center office facilities in the City. In 1994, the Work Activity Center purchased the fourplexes located just would of City Hall. The units were in need of renovations in order to better serve the client population. He indicated the current request had originally been made in a CDBG application, however, since the project involved residential facilities and therefore could be assisted with the more restrictive HOME funds, and since there was difficulty finding suitable HOME eligible projects, the proposal included funding for this project with HOME funds instead of CDBG funds. He stated by assisting in the subject renovations, the Work Activity Center would be able to keep rental rates low enough to be affordable to their clients, who were always low income individuals.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-182, A Resolution Authorizing the Execution of a Subgrant Agreement for Conduct of a HOME Investment Partnerships Program between West Valley City and the Work Activity Center, Inc. for Rehabilitation of Work Activity Center Residential Properties. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13391 **RESOLUTION NO. 07-183, APPROVE AGREEMENT WITH COMMUNITY EDUCATION PARTNERSHIP OF WEST VALLEY CITY, INC. (CEP) FOR AFTER-SCHOOL PROGRAMS FOR CHILDREN**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-183 which would approve an Agreement with the Community Education Partnership of West Valley City, Inc. (CEP) for after-school programs for children.

Mr. Pyle stated it had been found that youth who attended high quality after-school programs had been conflict resolution skills, emotional adjustment, peer relations, grades and conduct in school compared to their peers who were not in after-school programs. He also stated while there were a number of programs

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available for young elementary aged children there were few options for older elementary and middle school aged children.

The City Manager reported the CEP had received a grant for summer and after-school programs for children ages 12-15 through the Office of Child Care in the Office of Work and Family Life. He stated with this grant the CEP required a facility, personnel and resources to administer the programs and they were in need of utilizing the Family Fitness Center to fulfill those requirements.

Mr. Pyle advised the youth after school program at the Family Fitness Center had continued to increase in participation numbers every year. It had been a strong service to the community; however, it was available only to elementary aged children and did not assist those beyond the sixth grade. He explained there was a continued need for these programs as the children attended middle school or junior high school grades.

The City Manager reported the CEP had received the Safe Passages grant which provided funding for a quality after school program for children ages 12 through 15. Through the resources and skilled professionals at the Family Fitness Center, the grant would provide services for an age group not currently being served. Mr. Pyle stated the City would receive \$13,380.00 from the grant to assist with the following:

- Transport of program participants
- Program snacks
- Use of the West Valley City Family Fitness Center
- Purchase and use of recreational equipment and supplies
- City personnel and external tutoring fees
- Training/workshop costs

Councilmember Peterson declared a conflict of interest regarding this issue stating she was the Chair of the CEP.

Councilmember Peterson recognized Annette Call from Representative Cannon's office, stating Ms. Call also sat on the CEP committee.

Upon discussion, Councilmember Brooks inquired regarding transportation for after-school programs at the Family Fitness Center; and Parks and Recreation Director, Kevin Astill, responded that staff was attempting to resolve issues and possibly purchase vans for transportation, however, at the present time there were no funds budgeted for that purpose.

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After further discussion, Councilmember Burt moved to approve Resolution No. 07-183, A Resolution Authorizing the Execution of an Agreement between West Valley City and Community Education Partnership of West Valley City, Inc. (CEP) for After-School Programs for Children. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Abstain
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

13392

RESOLUTION NO. 07-184, DESIGNATE AND APPOINT POLL WORKERS TO SERVE IN THE MUNICIPAL PRIMARY AND GENERAL ELECTIONS, AND SET COMPENSATION FOR THEIR SERVICES

City Manager, Wayne Pyle, presented proposed Resolution No. 07-184 which would designate and appoint poll workers to serve in the Municipal Primary and General Elections, and set compensation for their services.

Mr. Pyle stated Section 20A-5-602 of the Utah State Code set forth the procedures for appointing poll workers, designating their compensation and setting forth their duties. He reported a list containing the names, addresses, and telephone numbers of persons to be named as poll workers for the 2007 Municipal Primary Election to be held September 11, 2007, and the Municipal General Election to be held November 6, 2007, had been attached to the proposed Resolution.

The City Manager reported the receiving, poll book and ballot judges each would receive \$110.00 and the poll managers and touch screen technicians each would receive \$220.00 for attending required training and actually serving on the election days. He stated the cost of poll worker services had been built into the City's contract with the Salt Lake County Elections department.

Mr. Pyle indicated a certificate of appointment would be issued and an oath administered to each appointed poll worker and alternate.

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After discussion, Councilmember Coleman moved to approve Resolution No. 07-184, A Resolution Designating and Appointing Poll Workers to Serve in the Municipal Primary Election, September 11, 2007, and the Municipal General Election, November 6, 2007, and Setting the Compensation for Their Services and Providing for Other Related Matters. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13393

APPLICATION NO. S-11-2007, FILED BY CHAD SILOTTI, REQUESTING FINAL PLAT APPROVAL FOR MADISYN COVE SUBDIVISION LOCATED AT 5275 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented Application No. S-11-2007, filed by Chad Silotti, requesting final plat approval for Madisyn Cove Subdivision located at 5275 West 3500 South.

Mr. Pyle stated the proposed subdivision would consist of 10 lots on 2.5 acres with the minimum lot size being 8,003 square feet with an average lot size of 8,400 square feet.

The City Manager reported access to the subdivision would be gained from Merry Lane (5275 West) and from Sunshine Drive (3435 South). He also reported minor improvements existed along both Sunshine Drive and Merry Lane. He stated the developer would be required to install new improvements along those rights-of-way to meet current City standards.

Mr. Pyle indicated the Public Works Department recommended the developer dedicate 3500 South to a 53 foot half width. He stated that would mean the developer would dedicate 20 feet as part of the application. He stated staff understood UDOT would not require curb and gutter, but would require sidewalk

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to be installed at this time. He also stated the City would require a curb return off of Merry Lane adjacent to 3500 South.

The City Manager reported there were a number of trees existing on the property. He stated staff suggested the developer attempt to save as many trees as possible. He also stated a number of trees would be taken out due to the cul-de-sac but there might be trees worth trying to save.

Mr. Pyle stated a soils report would be required in order to assess ground water levels. He further indicated that during the review of the Willow Cove Estates Subdivision to the west, ground water had not been encountered to a depth of 12 feet.

After discussion, Councilmember Coleman moved to approve Application No. S-11-2007, filed by Chad Silotti, and give final plat approval for Madisyn Cove Subdivision located at 5275 West 3500 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13394

CONSENT AGENDA:

A. RESOLUTION NO. 07-185, ACCEPT A TRAFFIC SIGNAL AND PUBLIC UTILITY EASEMENT FROM 7-ELEVEN, INC. FOR PROPERTY LOCATED AT 3990 WEST 4700 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 07-185 which would accept a traffic signal and public utility easement from 7-Eleven, Inc. for property located at 3990 West 4700 South.

Mr. Pyle stated 7-Eleven, Inc. had granted a traffic signal and public utility easement to allow for the relocation of a traffic signal pole and associated equipment onto the southwest corner of its property located at the northeast corner of the intersection of 4000 West and 4700 South.

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The City Manager reported the existing signal pole and equipment was currently located in the park strip area on 4000 West. He stated the pole and associated equipment had been hit and damaged on numerous occasions causing the need for many repairs. He indicated relocation of the pole and equipment behind the sidewalk at the southwest corner would better protect the pole and equipment from future damage. Additionally, this would improve the safety at the subject corner.

B. RESOLUTION NO. 07-186, ACCEPT A QUIT CLAIM DEED FROM THOMAS REESE AND DEBBIE REESE FOR PROPERTY LOCATED AT 2522 SOUTH HEMPSTEAD STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 07-186 which would accept a Quit Claim Deed from Thomas Reese and Debbie Reese for property located at 2522 South Hempstead Street.

Mr. Pyle stated Thomas Reese and Debbie Reese had signed the Quit Claim Deed.

The City Manager reported as a condition of obtaining a building permit for a single-family residence, dedication of a previously vacated portion of Hempstead Street had been required.

C. RESOLUTION NO. 07-187, APPROVE DELAY AGREEMENT WITH THOMAS AND DEBBIE REESE FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS AT 2522 SOUTH HEMPSTEAD STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 07-187 which would approve a Delay Agreement with Thomas and Debbie Reese for construction of off-site improvements at 2522 South Hempstead Street.

Mr. Pyle stated Robert A. Johnson and Susan Johnson had requested to delay construction of off-site improvements for a single-family residence. He further stated improvements included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway.

The City Manager reported at the present time there were no existing improvements along the subject property. He indicated postponing construction of the aforementioned improvements would allow time for additional development to provide similar improvements. He stated combination of the delayed improvements from this agreement and others

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collected as development progressed would provide a more complete and contiguous design of curb and gutter.

D. RESOLUTION NO. 07-188, APPROVE RIGHT-OF-WAY AGREEMENT WITH CHUN PI FOR PROPERTY LOCATED AT 2283 WEST 3800 SOUTH; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH WIDENING PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-188 which would approve a Right-of-Way Agreement with Chun Pi for property located at 2283 West 3800 South, and accept a Warranty Deed and Grant of Temporary Construction Easement regarding the 3800 South Widening Project.

Mr. Pyle stated Chun Pi had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by the construction of the project. He indicated the documents had been executed for purchase of 532 square feet of right-of-way along the frontage of the property. He further stated the current right-of-way was at 25.00 feet and an additional 5.00 feet was being acquired for a total 30 foot half width.

Mr. Pyle informed the Grant of Temporary Construction Easement would automatically expire December 31, 2007. He stated total compensation for the purchase of right-of-way, improvements and easement would be in the amount of \$4,425.00, which amount had been negotiated based on an appraisal prepared by Free & Associates, Inc. in the amount of \$4,025.00.

After discussion, Councilmember Burt moved to approve Resolution Nos. 07-185, 07-186, 07-187 and 07-188 as presented on the Consent Agenda. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes

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Mayor Nordfelt

Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 21 2007, WAS ADJOURNED AT 7:18 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held August 21, 2007.

Sheri McKendrick, MMC
City Recorder